

## REMARKS

Favorable reconsideration is respectfully requested in light of the following comments. Claims 1-11 and 13-23 remain pending.

### § 103 Rejections

Claims 1-11, 13, 14, 21 and 22 are rejected under 35 U.S.C. § 103(a) as unpatentable over EP 457 607, in view of UK 2,326,727. Applicants respectfully traverse the rejection. In order to establish a proper *prima facie* obviousness rejection, it is necessary, among other requirements, to provide motivation to combine the references as suggested by the Examiner. At a minimum, this requirement has not been met. Applicants do not concede that the Examiner has met the other requirements of a *prima facie* obviousness rejection.

The Examiner relies upon the secondary reference, UK 2,326,727, to suggest forming the first alignment layer on a polarizing element, which is a claimed element not disclosed by the primary reference. However, there is no reasonable or appropriate motivation provided to make such a combination.

First, and as previously discussed, UK 2,326,727 is directed to a cell wall, and to a method of making a cell wall. A cell wall is not a film. The reference cannot be considered as describing or suggesting any method of forming a film. Indeed, UK 2,326,727 describes a structure having two glass substrates (see, for example, page 14 of the reference) that may each have a thickness of 1.1 millimeters.

This reference describes forming a structure that includes, in a thickness dimension, over two millimeters of glass. There is simply no way that UK 2,326,727 describes or suggests a method of forming a film, or provides any reasonable instruction to one of skill in the art interested in forming a film. With particular reference to claim 21, such a structure cannot be rolled, and therefore the cited combination fails to disclose the recited method step of “unwinding a first film comprising a polarizing element”.

Further, and as mentioned previously, UK 2,326,727 is directed to a liquid crystal spatial light modulator in which the liquid crystal material is not fixed or cured, and in fact cannot be fixed or cured, as discussed in a previous Response. Thus, the secondary reference describes a liquid crystal material that is significantly different from the fixed liquid crystal material

disclosed by the primary reference. Again, there is no motivation to alter the primary reference in accordance with alleged teachings of the secondary reference.

Moreover, UK 2,326,727 describes a device that must, in order to function as desired, include two cross-polarizing layers. The primary reference, in contrast, has no need for a polarizing layer. Thus, while the secondary reference may disclose forming an alignment layer on a polarizing layer, the secondary reference fails to provide one of skill in the art with any motivation or suggestion to add a polarizing layer to the primary reference. Indeed, the Examiner appears to be picking and choosing elements from each reference without regard to why they are present or absent in each reference.

One of ordinary skill in the art would not be motivated to modify the teachings of the primary reference to include elements of the secondary reference. The Examiner has pointed to page 24, lines 4-20 of the primary reference as allegedly providing motivation to combine these references as suggested. This is not correct. While the cited passage deals with controlling the fixed twist angle and direction of the liquid crystal polymer and states that the rotator can be used with another optical element such as a polarizer, there is no disclosure, suggestion or teaching that an alignment layer be formed on the surface of a polarizing layer.

The *prima facie* obviousness rejection is flawed and should be withdrawn. Favorable reconsideration is respectfully requested.

Claims 15-20 and 23 are rejected under 35 U.S.C. § 103(a) as unpatentable over EP 457 607, in view of view of UK 2,326,727, and Sharp et al., U.S. Patent No. 5,999,240. Applicants respectfully traverse the rejection. EP 457 607 and UK 2,326,727 are distinguished above as failing to describe or suggest a method of forming a film that includes a method step of forming a first alignment layer on a polarizing element. Sharp et al. are not believed to remedy this shortcoming, by disclosing the missing claimed element and/or by providing the required motivation or suggestion to modify the cited references in order to arrive at the claimed invention. Thus, the *prima facie* obviousness rejection is flawed and should be withdrawn. Favorable reconsideration is respectfully requested.

### CONCLUSION

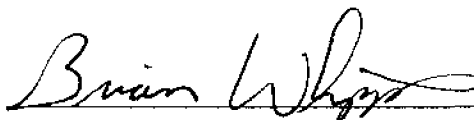
In view of the above, Applicant respectfully requests withdrawal of the rejections and allowance of the claims. Prompt passage to issue is earnestly solicited. Should the Examiner feel a telephone interview would be helpful in advancing this case to allowance, Applicant invites the Examiner to contact their representative at the number listed below.

Please continue to transmit all correspondence to:

Anna A. Kobilansky, Esq.  
3M Innovative Properties Company  
PO Box 33427  
St. Paul, MN 55133-3427

Respectfully Submitted,

Date: 14 Feb 2006



Brian C. Whipps, Reg. No. 43,261  
BCW:KCH

CROMPTON, SEAGER & TUFTE, LLC  
1221 Nicollet Avenue, Suite 800  
Minneapolis, Minnesota 55403-2420  
Telephone: (612) 677-9050  
Facsimile: (612) 359-9349